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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/785,079

02/25/2004

Tomohiro Ikeda

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8535

7590

12/09/2004

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

EXAMINER

GONZALEZ, MADELINE

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/785,079	IKEDA ET AL.	
	Examiner	Art Unit	
	Madeline Gonzalez	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/25/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 1 and 9 are objected to because of the following informalities:
 - a) Claim 1: The claim recites the limitation “the temperature sensor” in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.
 - b) Claim 9: “one sides” in line 3 should be replaced with --the sides--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

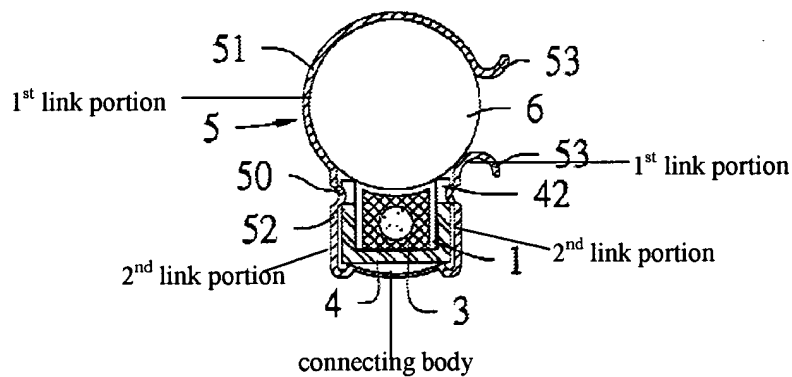
3. Claims 1-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ku (U.S. 6,334,707).

Ku discloses a temperature-sensor fixing holder for detachably fixing a temperature sensor 2 to a fixed body 6, as shown in Fig. 4, having:

- a resilient holder body 5;

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- a first link portion formed into the holder body 5 to be engaged with an engagement portion of the temperature sensor 2;
- a second link portion formed into the holder body 5 to be engaged with an engagement portion of the fixed body 6;
- wherein the holder body 5 resiliently deforms when the first link portion is engaged with the engagement portion of the temperature sensor 2 and the second link portion is also engaged with the engagement portion of the fixed body 6;
- wherein the holder body 5 has a connecting body formed in the shape of a band and a couple of link bodies formed in the shape of a band and connected integrally to both ends of the connecting body;



- wherein each of the link bodies having the first link portion and the second link portion;
- wherein the holder body 5 is substantially U-shaped in a cross section;
- wherein the first link portion is disposed in a first end portion of the link body and the second link portion is disposed in a second end portion of the link body;

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- wherein there is a straight line relationship between the connecting body and the first link portion;
- wherein the connecting body is curved to surround the temperature sensor 2 when the first link portion is engaged with the engagement portion of the temperature sensor 2;
- wherein lead wires 911 of the temperature sensor 2 are held between the connecting body and the temperature sensor 2;
- wherein the first link portion is a perforated portion in the shape of a rectangle, since it has a perforation 50, as shown in Fig. 8;
- wherein the engagement portion of the temperature sensor is a couple of cuts 42, which are disposed on the sides of the temperature sensor 2 in order to hook portions 50; and
- wherein a central portion of the link body is bent toward the fixed body 6 when the second link portion is engaged with the engagement portion of the fixed body 6.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ku (U.S. 6,334,707).

Ku discloses all the subject matter claimed above in paragraph 3 with the exception of the specific location of the hook portions.

With respect to the specific location of the hook portions: Ku discloses a holder, as shown in Fig. 4, having a temperature sensor 2 including cuts 42 engaging ribs/hook portions 50, said hook portions 50 protruding from the first link portions. Changing the location of hook portions from the location shown by Ku to a location on the temperature sensor, is only considered to be an obvious modification of the holder disclosed by Ku that a person having ordinary skill in the art at the time the invention was made would be able to provide using routine experimentation since the courts have held that there is no invention in shifting the position if the operation of the device would not be thereby modified. See *In re Japikse*, 86

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USPQ 70 (CCPA 1950). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the temperature sensor with the hook portions and the first link portions with the cuts since that would be a shifting of positions and the operation of the device would not be modified.

Allowable Subject Matter

7. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yang et al. ('962), Parker et al. ('641), Diedrich, Greenleaf et al. ('753), Schneider, Chaney, Pokorny, Bolton ('506), Yata et al. ('581), Janky, Bolton ('283), and Jones et al. ('095) disclose holder for temperature sensors.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeline Gonzalez whose telephone number is (571) 272-2243. The examiner can normally be reached on Monday-Friday (8:00-5:30), alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MG



Diego F.F. Gutierrez
Supervisory Patent Examiner
Technology Center 2800